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Docket No.: LUCE001USO

REMARKS:

The Examiner's allowance of claims 29-38, and his indication of allowability with respect to claims 13, 17 and 19, is gratefully acknowledged.

The limitations of claim 13 have been incorporated into independent claim 11, from which claim 13 depends.

Claim 17 has been rewritten with this response as new independent claim 53.

Reconsideration of the Examiner's rejection of claims 1-12, 14-16 and 20-27 under 35 U.S.C. § 102(b) as being anticipated by U.S. 6,137,763 (Dahan et al.) is respectfully requested.

As a preliminary matter, Applicants respectfully note that, although the claims listed as being anticipated by Dahan et al. include claims 8 and 9, the Examiner has not explained where Dahan et al. teaches the elements of a first and second data storage media, nor has the Examiner explained how this reference teaches the step of accessing a plurality of data tracks on the first and second storage media simultaneously and in parallel. Moreover, the Examiner has not applied Dahan et al. to other claims having similar limitations. Since Dahan et al. does not teach the aforementioned elements, Applicant presumes that claims 8-9 were incorrectly listed as being anticipated by Dahan et al.

With respect to claims 1-10, Applicant notes that claim 1 and the claims dependent thereon have been cancelled with this response. New claim 39, which is similar in some respects to claim 1, and the claims dependent thereon are not anticipated by Dahan et al. because, inter alia, claim 39 recites the step of "simultaneously directing electromagnetic radiation onto the surfaces of the first and second data storage media" and the step of "receiving, as a multi-dimensional data stream, reflections of the electromagnetic radiation from the first and second data

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storage media". By contrast, Dahan et al. neither teaches nor suggests receiving reflections of electromagnetic radiation simultaneously from first and second data storage media.

With respect to claims 11-12 and 14-16, Applicants note that claim 11, from which claims 12 and 14-16 depend, has been amended with this response to include the limitations of claim 13, which was deemed allowable by the Examiner.

With respect to claims 20-27, Applicant respectfully notes that these claims have been cancelled with this response. Accordingly, it is respectfully submitted that the Examiner's rejection of these claims has been rendered moot. New claim 63, which has been added with this response, is similar in some respects to claim 20, but includes the essential limitations of claim 28. Claim 28, which depends from claim 20, was not rejected as being anticipated by Dahan et al.

Reconsideration of the Examiner's rejection of claims 1-12 and 14-28 under 35 U.S.C. § 102(b) as being anticipated by U.S. 5,815,293 (Komma et al.) is respectfully requested.

As noted above, claims 1-10 and 20-28 have been cancelled with this response. With respect to claims 11-12 and 14-19, Applicants note that claim 11, from which claims 12 and 14-19 depend, has been amended with this response to include the limitations of claim 13, which was deemed allowable by the Examiner. Hence, the Examiner's rejection has been rendered moot with respect to these claims.

Despite their cancellation with this response, the Examiner's rejection of claims 8-9 and 28 will nonetheless be addressed, since some of the new claims added with this response (e.g., claims 39 and 63) contain limitations similar to the limitations found in claims 8-9 and 28.

The Examiner asserts that Komma et al. teaches the elements of claims 8-9 and 28, and points to elements 23 and

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25 of Komma et al. as examples. However, Applicant respectfully submits that the Examiner is misconstruing the teachings of Komma et al.

One of the problems Komma et al. was concerned with solving was the emergence of new optical disks having higher storage densities than existing disks. See, e.g., Col. 3, Lines 30-35. In order to achieve the higher storage densities, it was necessary to make these disks thinner than existing disks currently on the market. In particular, as explained at Col. 3, Lines 42-62 of Komma et al., it was necessary to thin the higher density disks to 0.6 mm from 1.2 mm in order to avoid increasing the numerical aperture (and the associated degree of aberration) associated with the higher density disks.

Unfortunately, it was also found that the optical aberrations arising from the reduced disk thickness made it impossible to read from or write to the high density disks when conventional optical heads were used. See Col. 4, Lines 10-17. This problem was attributed to the tight thickness tolerances of the optical head. To overcome this problem, Komma et al. sought to provide an optical head having an imaging optical system capable of converging a light beam on an optical disk within the diffraction limit, regardless of whether the disk was of the older, thicker variety, or the new, thinner variety. See Col. 4, Lines 2-10.

The solution to this problem arrived at by Komma et al. was to provide a compound objective lens that has two focal points. See Abstract. The resulting lens is thus capable of converging a light beam within the diffraction limit on an optical disk of either thickness. Contrary to the Examiner's insinuation, however, Komma et al. neither teaches nor suggests reading from or writing to both disks simultaneously. To the contrary, it is clear that Komma et al. contemplated doing so only in the alternative. Thus,

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for example, as noted at Col. 25, Lines 51-55 of Komma et al.,

As shown in FIGS. 4A, 4B, an imaging optical system 21 for converging light on a first substrate 22 of a thin type of first information medium 23 (a thickness T1) or a second substrate 24 of a thick type of second information medium 25 (a thickness T2) to form a diffraction-limited converging spot ... . [emphasis added]

Indeed, everywhere the system is depicted (FIGS. 4A-4B, 9A-9B and 10A-10B), disks 23 and 25 are shown being accessed by the system separately (note that each figure in these pairs is a separate figure, not two parts of the same figure), nor does Komma et al. disclose a means or methodology for accessing more than one disk at a time.

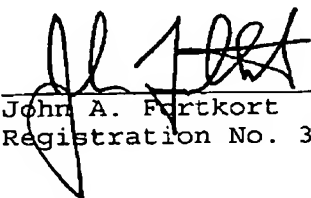
With respect to new claims 39-79 which have been added with this response, Applicant notes that support for these claims can be found in the claims as originally filed, and in FIG. 2.

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Applicants submit that the pending claims are in condition for allowance. An early indication thereof is respectfully solicited. The Examiner is respectfully requested to charge any fee deficiency due with this amendment, and to credit any overpayment, to Deposit Account No. 50-2583.

Respectfully submitted,

11-11-04  
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